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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,476	11/15/2000	Michael Ferraro	3801-4000US1	3612
27123 7590 11/05/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER NGUYEN, PHU K	
			ART UNIT 2628	PAPER NUMBER
			NOTIFICATION DATE 11/05/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/713,476	Applicant(s) FERRARO ET AL.	
	Examiner Phu K. Nguyen	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-44,47-58,75-77,91,94-108,113-125,130-145 and 152-158 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,5-44,47-58,75-77,91,94-108,130-145 and 152-158 is/are allowed.
- 6) ☒ Claim(s) 113-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____ |
|---|---|

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 113-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over COSATTO et al. (6,662,161).

As per claim 113, Cosatto teaches the claimed "production studio in a box" (Cosatto, personal computer; column 5, lines 1-3) comprising:
"a computer having a display and a keyboard" (Cosatto, personal computer); and
"a compositing engine configured to receive an component element stream and component image information from an image element database" (Cosatto, sound sample and image sample; column 6, lines 2-13, 42-56), "the compositing engine being constructed to composite frames based upon the image information" (Cosatto, column 6, lines 30-32), the computer being further configured "to generate the component element stream based upon component element state transitions indicated by a state stream, the computer being further configured to provide the component element stream to the compositing engine for compositing into the frames" (Cosatto, column 7, lines 19-32). It is noted that Cosatto does not teach the feature "editable" of component element stream and component image information as claimed. However, mouth's additional parameters (column 7, lines 2-18) or the animation library which is used to edit the input data stream (column 6, lines 33-41) suggests the edition of the input

sequence as claimed because the edition allows the approximation, not exact, of the input sequence.

Claim 114 adds into claim 113 "a transition unit" (Cosatto, column 7, lines 19-32, column 8, lines 10-22).

Claim 115 adds into claim 114 "a transition controller, and wherein the transition controller is configured to receive the state stream" (Cosatto, column 7, lines 19-32, column 8, lines 10-22).

Claim 116 adds into claim 115 "the transition unit further comprises transition tables accessible by the transition controller" which would have been obvious in view of mouth shape and its correspondent parameters.

Claim 117 adds into claim 115 the state stream comprises an audio state stream" (Cosatto, sound, column 6, lines 6-8).

Claim 118 adds into claim 115 " the state stream comprises a non-audio state stream" (Cosatto, facial data lines 6-8).

Claim 119 adds into claim 118 "at least one of the state stream or the editable component element stream" (Cosatto, different sounds for the same text, different expression of the same sound).

Art Unit: 2628

Claims 120-125 add into claim 113 different types of computers such as lap top, powerbook, Apple Macintosh, ... which clearly are just mere design choice because Applicant's disclosure does not mention how such computer type can be used to improve the method.

Due to nes grounds of the rejection, this action have been made NON-FINAL.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen
October 29, 2007


PHU K. NGUYEN
PRIMARY EXAMINER
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